



November 16, 1999

Mr. John S. Holleman  
Criminal District Attorney  
Polk County  
P.O. Box 1717  
Livingston, Texas 77351

OR99-3273

Dear Mr. Holleman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130819.

The Polk County District Attorney received a request for an offense report for case number 99-8064. You contend that the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the documents submitted.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the [requirement of public disclosure] . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

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(c) This section does not except from the [requirement of public disclosure]  
... information that is basic information about an arrested person, an arrest, or a crime.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Based on the information you provided, we understand you to assert that the requested information pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable. You may withhold most of the requested information at this time pursuant to section 552.108(a)(2).

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). The department must release such "front page" information, in accordance with *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, even if this information is not actually located on the front page of the offense report. *See Open Records Decision No. 127 (1976)* (summarizing the types of information deemed public by *Houston Chronicle*). We therefore conclude that, except for "front page" offense report information, you may withhold the requested records under section 552.108 of the Government Code. We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Patricia Michels Anderson  
Assistant Attorney General  
Open Records Division

PMA/jc

Ref: ID# 130819

Encl. Submitted documents

cc: Mr. James L. Mays, Jr.  
12819 Stillington Drive  
Houston, Texas 77015-2014  
(w/o enclosures)